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EXAMINER

YAM, STEPHEN K

ART UNIT PAPER NUMBER

2878

DATE MAILED: 12/20/2005

Please find below and/or attached an Office communication concerning this application or proceeding.

**Office Action Summary**

Application No.

10/629,971

Applicant(s)

MORRIS, GLENN

Examiner

Stephen Yam

Art Unit

2878

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
**Period for Reply**

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 11 October 2005.
- 2a) ☒ This action is **FINAL**. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1-18 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1-18 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.  
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).  
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

**Priority under 35 U.S.C. § 119**

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

\* See the attached detailed Office action for a list of the certified copies not received.

**Attachment(s)**

- |  |   |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)  | 4) <input type="checkbox"/> Interview Summary (PTO-413)<br>Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)                                   | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)             |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)<br>Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____  |

### DETAILED ACTION

This action is in response to Amendments and remarks filed on October 11, 2005. Claims 1-18 are currently pending.

#### *Claim Rejections - 35 USC § 102*

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

2. Claims 1 and 10 are rejected under 35 U.S.C. 102(e) as being anticipated by Zak US Patent No. 6,690,003.

Regarding Claims 1 and 10, Zak teaches (see Fig. 1, 3) a laser light actuation system and method for remotely and selectively actuating a function of a known apparatus (50) (see Col. 3, lines 47-51), the system and method comprising a laser module (10) adapted to produce a known laser light signal suitable for transmission over a long distance (see Col. 2, lines 56-62), and a receiver module (20) adapted to receive and detect the known laser light signal and selectively produce an actuation signal in response to the known laser light signal to selectively actuate such an apparatus (see Col. 3, lines 12-15), the receiver module further comprising a timer (30) operatively associated with the receiver module to selectively limit the time of actuation of such an apparatus in response to the laser light signal (see Col. 3, lines 17-21).

*Claim Rejections - 35 USC § 103*

3. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

4. Claims 2 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zak in view of Applicant's admitted prior art.

Regarding Claims 2 and 11, Zak teaches the system and method in Claims 1 and 10, according to the appropriate paragraph above. Zak also teaches the system for use in an industrial environment (see Col. 4, lines 29-31). Zak does not teach an electromechanical feeder operatively associated with the receiver module and adapted to be selectively actuated to release feed in response to detection of the known laser light signal by the receiver module. Applicant's admitted prior art teaches (see Fig. 1) a system with an electromechanical feeder (19) operatively associated with a receiver module (16) and adapted to be selectively actuated to release feed in response to detection of a known signal by the receiver module (see Paragraph 0002, 0005). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide an electromechanical feeder operatively associated with the receiver module and adapted to be selectively actuated to release feed in response to detection of the known signal by the receiver module, as taught by Applicant's admitted prior art, in the system of Zak, to provide remote control of devices in an agricultural environment.

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5. Claims 3 and 12 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zak in view of Teremy et al. US Patent No. 5,541,695.

Regarding Claims 3 and 12, Zak teaches the system and method in Claims 1 and 10, according to the appropriate paragraph above. Zak does not teach the laser module is adapted to produce a known, sparsely modulated laser light signal. Teremy et al. teach (see Fig. 1 and 3-5) a similar system and method, with a laser module (10) producing a known, sparsely modulated laser light signal (see Fig. 4 and 5 and Col. 3, lines 55-67). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide the laser module adapted to produce a known, sparsely modulated laser light signal, as taught by Teremy et al., in the system and method of Zak, to provide multiple control signal types for each device to provide additional control of functionality, as taught by Teremy et al. (see Col. 2, line 64 to Col. 3, line 7, Col. 3, line 55 to Col. 4, line 12).

6. Claims 4-6 and 13-15 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zak (in view of Teremy et al. for Claims 3 and 12 or in view of Applicant's admitted prior art for Claims 5 and 14) in view of Schwartz US Patent No. 5,079,646.

Regarding Claims 4-6 and 13-15, Zak (in view of Teremy et al. for Claims 3 and 12 or in view of Applicant's admitted prior art for Claims 5 and 14) teaches the system and method in Claims 1, 2, 10, and 11, according to the appropriate paragraph above. Zak does not teach a telescopic sight operatively associated with the laser module to accommodate selective directing of the known laser light signal through use of the telescopic sight. Schwartz teaches a telescopic sight operatively associated with a laser module to accommodate selective directing of the laser

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light signal through use of the telescopic sight (see Col. 1, lines 39-46 and Col. 1, line 66 to Col. 2, line 7). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a telescopic sight operatively associated with the laser module to accommodate selective directing of the known laser light signal through use of the telescopic sight, as taught by Schwartz, in the system and method of Zak (in view of Teremy et al. for Claims 3 and 12 or in view of Applicant's admitted prior art for Claims 5 and 14), to increase the accuracy and range for operating the laser module by an operator.

7. Claims 7 and 16 are rejected under 35 U.S.C. 103(a) as being unpatentable over Zak in view of Teetzel US Patent No. 5,526,749.

Regarding Claims 7 and 16, Zak teaches the system and method in Claims 1 and 10, according to the appropriate paragraph above. Zak does not teach a detonator operatively associated with the receiver module and adapted to be selectively actuated to detonate in response to detection of the known laser light signal by the receiver module. Teetzel teaches an explosive device with a detonator (see Col. 4, lines 54-56) operatively associated with a receiver module (114) and adapted to be selectively actuated to detonate in response to detection of a known laser light signal by the receiver module (see Abstract and Col. 4, lines 31-37, 54-62). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a detonator operatively associated with the receiver module and adapted to be selectively actuated to detonate in response to detection of the known laser light signal by the receiver module, as taught by Teetzel in the system and method of Zak, to provide remote actuation of an explosive device for accurate detonation.

8. Claims 8, 9, 17, and 18 are rejected under 35 U.S.C. 103(a) as being unpatentable over Kaje US Pre-grant Publication No. 2003/0122665 (hereinafter Kaje '665).

Regarding Claims 8 and 17, Kaje '665 teaches (see Fig.) a laser light actuation system and method for remotely and selectively actuating a function of a known electromechanical gate (see Claim 1, line 2 of Kaje), the system and method comprising a laser module (1) adapted to produce a known laser light signal (2) suitable for transmission over a long distance (see Fig.), a laser receiver module (3) adapted to receive and detect (see Paragraph 0017) the known laser light signal selectively produce an actuation signal (to the gate/door/barrier) (see Abstract, lines 4-7) in response to the known laser light signal to selectively actuate such an electromechanical gate operatively associated with the laser receiver module and adapted to be selectively actuated in response to the detection of the known laser light signal by the laser receiver module (see Paragraph 0017 and Claim 1, lines 1-5 of Kaje), and wherein the laser receiver module is adapted to be positioned in use in a location known to a user (see Fig.). Kaje does not teach the laser receiver module in a *selectively concealed* location known to a user. It is well known in the art to conceal a security device in a location only known to individuals who are permitted entry, to prevent tampering of the device and the knowledge of the existence of the device in defeating the security device. It would have been obvious to one of ordinary skill in the art at the time the invention was made to locate the laser receiver module in a *selectively concealed* location known to a user, in the system and method of Kaje, to increase the security of the secured areas by

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preventing unauthorized individuals from having knowledge of the security device and tampering with it.

Regarding Claims 9 and 18, Kaje '665 teaches the system and method in Claims 8 and 17, according to the appropriate paragraph above. Kaje does not teach a radio module adapted to produce a known radio signal and a radio receiver module adapted to receive and detect the known radio signal and selectively produce an actuation signal in response to the known radio signal to selectively actuate a barrier device operatively associated with the radio receiver module and adapted to be selectively actuated in response to the detection of the known radio signal by the radio receiver module in order to enable the laser receiver module to receive the known laser light signal. It is well known in the art to utilize multiple barrier gates and provide separate modes of identification for entry for each barrier gate in high-security areas, to prevent unauthorized entry, and it is well known in the art to utilize radio modules and receivers to actuate barrier devices (such as in garage door or entry gate openers). It would have been obvious to one of ordinary skill in the art at the time the invention was made to provide a radio module adapted to produce a known radio signal and a radio receiver module adapted to receive and detect the known radio signal and selectively produce an actuation signal in response to the known radio signal to selectively actuate a barrier device operatively associated with the radio receiver module and adapted to be selectively actuated in response to the detection of the known radio signal by the radio receiver module in order to enable the laser receiver module to receive the known laser light signal, to provide higher levels of authorization protection for high-security areas and reduce the risk of unauthorized intrusion, with each successive entry point enabled only upon successful passage from the previous entry point.



*Response to Arguments*

9. Applicant's arguments filed October 11, 2005 have been fully considered but they are not persuasive.

Regarding Applicant's arguments on Claims 1 and 10, Applicant argues that Zak does not disclose selectively limiting the time of actuation of an apparatus as recited in the claim language, and that Zak discloses using a monostable multivibrator for preventing unwanted multiple actuations. Examiner asserts that the claim language recites the timer to "selectively limit the time of actuation of such an apparatus in response to the laser light signal" (emphasis underlined). Thus, by Examiner's interpretation of the recited limitation, the laser light signal is the selection mechanism for selecting to limit the time of actuation of such an apparatus. As the claim language recites the receiver module to "selectively produce an actuation signal in response to the known laser light signal to selectively actuate such an apparatus", Examiner interprets Applicant's claimed device as "selectively" performing the claimed functions **in response to the laser light signal**, with the laser light signal as the mechanism for the selection of a timed actuation. Zak discloses the actuation and the limiting the time of actuation of an apparatus as **selected** by the reception of the laser light signal, as Zak recites "a monostable multivibrator can be used to achieve a timed ON actuation, at the end of which the load device is automatically switched OFF" (Col. 3, lines 17-20), as further acknowledged in Applicant's response. Zak also discloses the laser light signal as the trigger for actuating the apparatus (see

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Col. 3, lines 5-15). Therefore, Examiner asserts that the 35 U.S.C. 102(e) rejection of Claims 1 and 10 by Zak is proper.

Regarding Applicant's arguments on Claims 2 and 11, Applicant argues that Applicant's admitted prior art teaches an electromechanical feeder actuated to release feed in response to receipt of a radio signal, and there is no teaching of selectively actuating to release feed in response to the detection of a known laser light signal. Examiner asserts that Applicant's admitted prior art teaches a system with receiving a remote signal and actuating an electromechanical feeder in response to the remote signal, and thus, is directed towards a system for remote actuation of a device. Since the teaching of remote actuation by a known laser light signal is disclosed by Zak, only the teachings of Applicant's admitted prior art of receiving a remote signal and actuating an electromechanical feeder to release feed is used for combination with the teachings of Zak. Thus, the specific signal type (radio signal in Applicant's admitted prior art) is not used for combination with the Zak reference, and the combination of the aforementioned teachings of Applicant's admitted prior art with the Zak reference would yield a system for remotely actuating an electromechanical feeder to release feed in response to a known laser light signal. Applicant also argues that Examiner has not provided a source of motivation for modifying Zak with Applicant's Background. Examiner asserts that both references are directed towards systems for remote actuation of devices, and applying a specific use (electromechanical feeder) for a remote actuation system is well known to one of ordinary skill in the art. Applicant also argues that Examiner's motivation appears to be gleaned from Applicant's disclosure, and "any judgement on obviousness must not include knowledge gleaned from Applicant's disclosure. *In re McLaughlin*, 170 U.S.P.Q. 209, 212 (C.C.P.A. 1971)".

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Examiner asserts that *In re McLaughlin* recites " [a]ny judgement on obviousness is in a sense necessarily a reconstruction based on hindsight reasoning, but so long as it takes into account only knowledge which was within the level of ordinary skill in the art at the time the claimed invention was made and does not include knowledge gleaned only from applicant's disclosure, such a reconstruction is proper." (emphasis underlined) (see MPEP 2145, section X). As Examiner relied on Zak as the primary reference and relied only upon Applicant's disclosure to teach the specific device (electromechanical feeder) that is actuated, the rejection does not include knowledge gleaned only from applicant's disclosure. Thus, the rejection of Claims 2 and 11 under 35 U.S.C. 103(a) by Zak in view of Applicant's admitted prior art is proper.

Regarding Applicant's arguments on the motivation for combining Teremy with Zak, Applicant argues that there is no motivation for modifying Zak to control the brightness of a laser beam, as there is no need to modify Zak to change the brightness of a laser beam such as a laser beam used to activate a lamp. Examiner asserts that the brightness control taught by Teremy is used to provide multiple control signal types (see Col. 2, line 64 to Col. 3, line 7 and Col. 3, line 55 to Col. 4, line 12), as recited in Examiner's rejection. As applied to Zak, this provides additional functionality that would have been obvious to one of ordinary skill in the art, such as different operating states for a lamp (different brightness settings) or a ceiling fan (different speed settings), both devices which are disclosed by Zak (see Col. 2, lines 33-36). Examiner asserts that providing adjustability for a system is obvious to one of ordinary skill in the art, and as it has been held that the provision of adjustability, where needed, involves only routine skill in the art. *In re Stevens*, 101 USPQ 284 (CCPA 1954). Thus, the rejection of Claims 3 and 12 under 35 U.S.C. 103(a) by Zak in view of Teremy is proper.

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Regarding Applicant's arguments on Claims 4-6 and 13-15, Applicant argues that Examiner has not provided any evidence as to the source of the motivation for the modifications under 35 U.S.C. 103(a). Examiner asserts that the source of motivation was specified in the rejection, by reciting "it would have been obvious to one of ordinary skill in the art at the time the invention was made to...". Thus, the source of motivation comes from the knowledge of one of ordinary skill in the art. Applicant also argues that Examiner's motivation does not address why one of ordinary skill in the art would modify Zak with the teachings of Schwartz. Examiner asserts that Schwartz teaches the aiming of a laser source towards a target facilitated by an optical telescope (see Col. 2, lines 2-6). As applied to Zak, this improvement provides for the accurate aiming of the laser source. Examiner asserts that providing optical means for assisting in the aiming towards a target is obvious to one of ordinary skill in the art (for example, a typical scope on a rifle). Thus, Examiner asserts the motivation for combining Schwartz is sufficient in both source and scope, and the rejection of Claims 4-6 and 13-15 under 35 U.S.C. 103(a) is proper.

Regarding Applicant's arguments on Claims 7 and 16, Applicant argues that Examiner has not provided any evidence as to the source of the motivation for the modifications under 35 U.S.C. 103(a). Examiner asserts that the source of motivation was specified in the rejection, by reciting "it would have been obvious to one of ordinary skill in the art at the time the invention was made to...". Thus, the source of motivation comes from the knowledge of one of ordinary skill in the art. Applicant also argues that Examiner's motivation does not address why one of ordinary skill in the art would modify Zak with the teachings of Teetzel. Examiner asserts that both Zak and Teetzel are directed towards systems for remote actuation of a device using a laser

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and that the specific device of Teetzel as an explosive device with a detonator is simply a particular use for such systems. Therefore, one of ordinary skill in the art would be motivated to apply the device of Zak towards the specific environment of Teetzel. Thus, Examiner asserts the motivation for combining Teetzel is sufficient in both source and scope, and the rejection of Claims 7 and 16 under 35 U.S.C. 103(a) is proper.

Regarding Applicant's arguments on Claims 8, 9, 17, and 18, Applicant argues that Kaje does not teach or suggest a laser light actuation system for remotely and selectively actuating a function of a known electromechanical gate and instead, teaches remotely activating a doorbell. Examiner asserts that the rejection cited Claim 1, line 2 of Kaje:

"Any supported and compatible equipment (e.g., door-bell ringer, automatic door, automatic barrier for buildings, machine, spot light)" (emphasis underlined)

and the Abstract of Kaje further recites:

"A remote control device when actuated by a user transmits a visually perceptible signal to a sensor associated with a doorbell, or any device compatible with the remote/sensor apparatus (e.g. garage door, spot-light, etc.)" (emphasis underlined)

Therefore, the device of Kaje **is not limited to a doorbell** but also includes an automatic door or an automatic barrier for building (i.e., an electromechanical gate).

Applicant also requests a reference that teaches Examiner's asserted Official Notice. Regarding Claims 8 and 17, Examiner presents Perkins US 2002/0124779 which teaches a security device which is concealed in a location only known to individuals who are permitted entry (see Paragraph 0006, 0007 and 0024), to prevent tampering of the device and the

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knowledge of the existence of the device in defeating the security device (see Paragraph 0006 and 0024). Regarding Claims 9 and 18, Examiner presents Stewart et al. US Patent No. 6,405,496 which teaches multiple barrier gates (a garage door to enter the garage and a controlled-access elevator (using a key) to enter the residence- see Col. 4, lines 45-47 and Col. 6, lines 5-11) and provide separate modes of identification for entry for each barrier gate in high-security areas (garage remote for elevator vs. key for elevator) and Clark et al. US Patent No. 4,847,542 which teaches utilizing radio modules and receivers to actuate barrier devices (such as in garage door or entry gate openers) (see Col. 1, lines 13-26).

Applicant also argues that Examiner has not provided any evidence as to the source of the motivation for the modifications under 35 U.S.C. 103(a). Examiner asserts that the source of motivation was specified in the rejection, by reciting "it would have been obvious to one of ordinary skill in the art at the time the invention was made to...". Thus, the source of motivation comes from the knowledge of one of ordinary skill in the art. Examiner also asserts that concealing the details and components of a security-related device is obvious to one of ordinary skill in the art.

Applicant further argues that Examiner's motivation does not address why one of ordinary skill in the art would modify Kaje according to the rejection. Examiner asserts that one of ordinary skill in the art would appreciate an increased level of security, at least matching that of a standard residential home having a garage door (operated by radio frequency) and a lockable entry door into the house from the garage using a standard key or other means such as the system of Kaje. Since Kaje teaches the actuation of an automatic door (see Claim 1, line 2) and not merely a doorbell as suggested by Applicant, modifying the Kaje reference as stated in the

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rejection would have been obvious to one of ordinary skill in the art. Thus, Examiner asserts the motivation for modifying Kaje is sufficient in both source and scope, and the rejection of Claims 8, 9, 17, and 18 under 35 U.S.C. 103(a) is proper.

### *Conclusion*

10. **THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of the advisory action. In no event, however, will the statutory period for reply expire later than **SIX MONTHS** from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Stephen Yam whose telephone number is (571)272-2449. The examiner can normally be reached on Monday-Friday 8:30am-5pm.


If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Georgia Epps can be reached on (571)272-2328. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

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